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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/658,568 DONG, ZHU Office Action Summary Examiner Art Unit HIEU T. HOANG 2152 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 08 July 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 1-14 is/are rejected. 7) Claim(s) _____ is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.

1) Notice of References Cited (PTO-892)

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Attachment(s)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

6) Other:

5) Notice of Informal Patent Application

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DETAILED ACTION

1. This office action is in response to the communication filed on 07/08/2008.

Claims 1-14 are pending.

Response to Arguments

3. Applicant's arguments have been fully considered but they are unpersuasive. Regarding sending a first and a second message at different times, wherein the second message is set by a predetermined time. The prior art clearly discloses setting up an appointment (second message) for a predetermined time and a notification for that appointment (first message), which is sent before the predetermined time (at least disclosed by Lewis, col. 9 lines 9-17, schedule data alert messages associated with an event can be edited by a user (first message), col. 10 lines 57-63, recipient is identified by a message retrieving entity identifier, col. 7 lines 58-62, user enters or schedules an event (second message)) and a predetermined time for transmitting said second message (col. 7 lines 58-62, schedule time of event, col. 7 lines 58-62, schedule time of event). The prior art just does not explicitly disclose sending the second message (the appointment information on this case). However, it is extremely known in the art how to use a typical scheduling application (such as a calendar application) to setup an appointment and send that appointment to a receiver at a predetermined time (as shown in the rejection below).

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7, 10, 11 recite "a first and second message." Does it mean a same

message is used for a first and a second time, or two messages (a first message and a

second message)? Furthermore, "a first and second message" is believed to be a

grammatical error.

6. Claims 2, 3 recite "said message," which lacks antecedent basis.

7. Correction is required.

8. Claim 10 recites "said message' in step e). It is vague what this message refers

to. Same rationale applies to claim 1.

9. The following is a guotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach how to make or use the invention, i.e., failing to disclose "to cause transmission of said first message before said predetermined time and to cause transmission of the second message at said predetermined time" as recited in independent claims 1, 7, 10 and 11.

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11. Applicant's disclosure is insufficient to allow one of ordinary skilled in the art to make or use the invention without undue experimentation because applicant did not adequately disclose the necessary steps to perform the method (such as in claim 170).
See In re Gunn, 190 USPQ 402 (CCPA 1976.) In fact, applicant's disclosure does not even include the limitation above.

- 12. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner cannot find any disclosure in the specification regarding "to cause transmission of said first message before said predetermined time and to cause transmission of the second message at said predetermined time" as recited in independent claims 1, 7, 10 and 11.
- 13. It is suggested that applicant could overcome the U.S.C. 112 first paragraph rejection by providing a suitably detailed system diagram (with appropriate cross-indexing in the detailed description to reference numerals on said system diagrams.) No new matter should be added.

Claim Rejections - 35 USC § 103

- 14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented

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and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

- 15. Claims 1-4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar et al. (US 6,208,996, hereafter Ben-Shachar), in view of Lewis et al. (US 6,738,635, hereafter Lewis), in view of Frederiksen (US 2002/0080186) and what has been known in the art (Official Notice or ON)
- For claim 1, Ben-Shachar discloses a system comprising:
 - a transmitting mobile communication device connected to a communication network (fig. 1, mobile device 3 in communication with desktop computers 4 and 13, and mobile device 10), and said transmitting mobile communication device comprising an event scheduling element (abstract, col. 6 lines 52-61, a calendar application that allows the user to enter an appointment and an associated user notification)

Ben-Shachar does not explicitly disclose:

a message generator enabling an operator to generate a first and second
message associated with one scheduled event and to define a recipient of said
first and second message and a predetermined time for transmitting said second
message, and a timing element configured to record the predetermined time in a
timing register, the event scheduling element being further configured to cause

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transmission of said first message before said predetermined time and to cause transmission of the second message at said predetermined time.

However, Lewis discloses:

- a message generator enabling an operator to generate a first and a second message associated with one scheduled event and to define a recipient of said first and second message (col. 9 lines 9-17, schedule data alert messages associated with an event can be edited by a user (first message), col. 10 lines 57-63, recipient is identified by a message retrieving entity identifier, col. 7 lines 58-62, user enters or schedules an event (second message)) and a predetermined time for transmitting said second message (col. 7 lines 58-62, schedule time of event), and
- a timing element configured to record the predetermined time in a timing register (col. 11 lines 8-25, storing the user defined time in memory), the event scheduling element being further configured to cause transmission of said first message before said predetermined time (col. 8 lines 35-39, send notification in advance of schedule event)

Ben-Shachar/Lewis does not disclose that the event scheduling element configured to perform an application call to the message generator.

However, Frederiksen discloses the same ([0120], [0113], calendar application calls on an editor application to enter inputs)

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Ben-Shachar/Lewis/Frederiksen does not explicitly disclose to cause transmission of the second message at said predetermined time. Although Ben-Shachar and Lewis involve in setting up appointment or meeting event at a schedule time.

Official Notice is taken that it is known in the art how to send a message such as an appointment at a schedule time of the appointment (see, e.g., Huna, US 6,944,273, col. 5 lines 32-41, compose a message and send out the message at delivery time)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis and Frederiksen and what has been known to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user, and also implement easy inputting means for the user by using an editor application.

- 17. For claim 2, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen/ON further discloses said message comprises a notification or an alert comprising a text, an audio track, a visual image, or any combination thereof (Lewis, col. 9 lines 15-17, text alert messages, Ben-Shachar, col. 6 lines 52-61, audible or visual indicia for notification).
- 18. For claim 3, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen/ON further discloses said message comprises a short messaging service (SMS), a multimedia messaging service

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(MMS) message, or unstructured supplementary service data (USSD) (Lewis, col. 6 lines 5-23, col. 10 lines 63-66, col. 11 lines 48-65, short message service SMS).

- 19. For claim 4, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen/ON further discloses said communication network comprises a wireless telecommunication network, a wireless short range short wave radio network, such as Bluetooth, a computer network, or any combination thereof (Lewis, abstract, wireless schedule notification method, Ben-Shachar, fig. 3, wireless mobile device).
- 20. For claim 6, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen/ON further discloses the event scheduling element comprises a calendar element enabling said operator to schedule events (Ben-Shachar, col. 6 lines 52-54), which calendar element connecting to said message generator thereby enabling said operator to define an event in the calendar element and to generate an event notification in said message and to define a predetermined time for transmitting said event notification to said recipient (Ben-Shachar, col. 6 lines 54-61, Lewis, col. 11 lines 16-25, notification prior to a scheduled event at a predetermined time).

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- Claims 7-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar, in view of Lewis, what has been known, and further in view of Chou et al. (US 5,902,352, hereafter Chou).
- 22. For claim 7, Ben-Shachar discloses an apparatus comprising:
 - a keyboard and display for interfacing with an operator (fig. 3), a storage element storing a message generator application adapted to enable said operator to generate content of a first and second message related to one scheduled event (col. 6 lines 52-61, PIM application at user device allow user to generate an appointment and an associated notification), configured to perform an application call to a transmission application adapted to process and pass the first and second message (col. 6 line 62-col. 7 line 3, call applications to present notification for a user) and a processor for processing data and executing said applications stored in said storage element (fig. 4, processor)

Ben-Shachar does not explicitly disclose a timing application configured to record a predetermined time in a timing register, the timing application being adapted to notify the message generator application for causing the first message to be sent before the predetermined transmission time.

However, Lewis discloses a timing application configured to record a predetermined time in a timing register (col. 11 lines 8-25, storing the user defined time in memory), the timing application being adapted to notify the message generator application for causing the first message to be sent before the predetermined transmission time (abstract, col. 8

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lines 35-39, col. 11 lines 8-24, transfer a message to a device according to a predetermined time).

Ben-Shachar/Lewis does not disclose transmission of said second message to occur according to the predetermined transmission time. Although, Lewis discloses setting up appointment or meeting event at a schedule time.

Official Notice is taken that it is known in the art how to send a message such as an appointment at a schedule time of the appointment (see, e.g., Huna, US 6,944,273, col. 5 lines 32-41, compose a message and send out the message at delivery time)

Ben-Shachar/Lewis/ON does not explicitly disclose the timing application being adapted to notify the message generator;

However, Chou discloses a timer used to notify that a scheduled event (such as sending a message) is to occur (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis, ON and Chou to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

23. For claim 8, Ben-Shachar/Lewis/ON/Chou discloses the invention substantially as in claim 7. Ben-Shachar/Lewis/ON/Chou further discloses said message generator application is adapted to call said transmission application for preparing transmission through said message handling element, which during the process is adapted to call the timing application starting a timing function determining the transmission time of said

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message (Lewis, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message, a message handling element is just a program code that enters the time from the user's input to the timing function).

- 24. For claim 9, Ben-Shachar/Lewis/ON/Chou discloses the invention substantially as in claim 7. Ben-Shachar/Lewis/ON/Chou further discloses comprising a calendar application adapted to enable the operator to perform calendar operations (Ben-Shachar, col. 6 line 52, Lewis, col. 10 lines 5-7) and wherein said calendar application is adapted to call said message generator application for generating a notification to be transmitted in said message at the predetermined time (Lewis, col. 9 lines 15-17, editing an alert message or a notification, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message).
- 25. For claim 14, Ben-Shachar/Lewis/ON/Chou discloses the invention substantially as in claim 7. Ben-Shachar/Lewis ON/Chou further discloses the apparatus comprises a mobile communication device for connecting to a communication network (Lewis, fig. 2, cell phone, Ben-Shachar, fig. 1, mobile devices).
- Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, what has been known, and in view of Ben-Shachar and Chou.

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27. For claim 10, Lewis discloses a method comprising:

(a) storing in a storage element a message generator application (col. 9 lines 14-18, user can edit the alert message by, e.g., using a known text editor, see Frederiksen, [0120]), a transmission application (col. 11 lines 16-24, delivering or transferring

notifications to a remote user's device), and a timing application (col. 9 line 57-col. 10

line 2),

(b) processing data and executing said applications stored in said storage element by

means of a processor (col. 7 lines 56-58),

(c) enabling said operator to generate content of a first and second message related to one scheduled event by means of said message generator application interfacing with

said operator through a display and keyboard (col. 9 lines 9-17, schedule data alert messages associated with an event can be edited by a user (first message), col. 10

lines 57-63, recipient is identified by a message retrieving entity identifier, col. 7 lines

58-62, user enters or schedules an event (second message))

(d) enabling said operator to define a recipient of said first and second message and a

predetermined time for transmitting said second message to said recipient, the timing

application for recording the predetermined time in a timing register (col. 10 lines 55-64,

define recipient, time to be delivered, col. 11 lines 8-25, storing the user defined time in

memory),

(e) forwarding the first and second message from the message generator application to

the transmission application for processing and passing said message by means of said

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transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device).

- (f) timing said second message according to said predetermined transmission time by means of said timing application (col. 11 lines 16-24, timing the scheduled event);
- (g) wherein the first message is transmitted before the predetermined time by means of a message handling element operable by said transmission application (col. 8 lines 35-39, send notification in advance of schedule event)

Lewis does not disclose:

(g) transmitting said second message from a transmitting mobile communication device through a communication network at said predetermined time (by means of a message handling element operable by said transmission application). Although, Lewis discloses setting up appointment or meeting event at a schedule time.

Official Notice is taken that it is known in the art how to send a message such as an appointment at a schedule time of the appointment (see, e.g., Huna, US 6,944,273, col. 5 lines 32-41, compose a message and send out the message at delivery time)

Lewis/ON does not explicitly disclose communication between the message generator application and the timing application is by application call.

However, Ben-Shachar discloses application calls (col. 6 line 62-col. 7 line 4, col. 8 lines 38-42, API calls)

Lewis/ON/Ben-Shachar does not disclose where the timing application continuously checks the predetermined time against an internal clock and generates a

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notification to the message generator application for initiating the transmission of the message;

However, Chou discloses setting a timer which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Lewis, ON, Ben-Shachar and Chou to implement a notification method on a mobile device that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user, and to implement the use if a timer to activate an event as disclosed by Chou.

- Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis,
 ON. in view of Chou.
- 29. For claim 11, Lewis discloses a computer program embodied on a memory of a device, the computer program comprising computer readable code means embodied therein for causing a computer to perform the following when said program is run on a processor:
- (a) storing in a storage element a message generator application (col. 9 lines 14-18, user can edit the alert message by, e.g., using a known text editor, see Frederiksen, [0120]), a transmission application (col. 11 lines 16-24, delivering or transferring

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notifications to a remote user's device), and a timing application (col. 9 line 57-col. 10 line 2),

- (b) processing data and executing said applications stored in said storage element by means of a processor (col. 7 lines 56-58),
- (c) enabling said operator to generate content of a first and second message related to one scheduled event by means of said message generator application interfacing with said operator through a display and keyboard (col. 9 lines 9-17, schedule data alert messages associated with an event can be edited by a user (first message), col. 10 lines 57-63, recipient is identified by a message retrieving entity identifier, col. 7 lines 58-62, user enters or schedules an event (second message)),
- (d) enabling said operator to define a recipient of said first and second message and a predetermined time for transmitting said second message to said recipient, where the timing application for recording the predetermined time in a timing register (col. 10 lines 55-64, define recipient, time to be delivered, col. 11 lines 8-25, storing the user defined time in memory),
- (e) processing and passing said message by means of said transmission application
- (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device),
- (f) timing said second message according to said predetermined transmission time by means of said timing application (col. 11 lines 16-24, timing the scheduled event);
- (g) where the first message is transmitted before the predetermined time by means of said timing application (col. 8 lines 35-39, send notification in advance of schedule event)

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Lewis does not disclose:

(g) transmitting said second message from a transmitting mobile communication device through a communication network at said predetermined time (by means of a message handling element operable by said transmission application). Although, Lewis discloses setting up appointment or meeting event at a schedule time.

Official Notice is taken that it is known in the art how to send a message such as an appointment at a schedule time of the appointment (see, e.g., Huna, US 6,944,273, col. 5 lines 32-41, compose a message and send out the message at delivery time)

Lewis/ON does not disclose:

where the timing application continuously checks the predetermined time against an internal clock and generates a notification to the message generator application for initiating the transmission of the message;

However, Chou discloses setting a timer which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Lewis and what has been known and Chou to implement the use if a timer to activate an event as disclosed by Chou.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable
 over Ben-Shachar/Lewis/Frederiksen/ON, as applied to claim 1, further in view of Chou.

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31. For claim 12, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 1. Ben-Shachar/Lewis/Frederiksen/ON does not disclose the message generator is configured to send a counting start request to the timing element wherein the predetermined time is registered in the timing register in response to the counting start request.

However, Chou discloses setting a timer (fig. 8 step 810 and 815) which indicates the time which should elapse until a scheduled event (such as sending a message) is to be activated (abstract)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar, Lewis, Frederiksen, what has been known and Chou to implement a notification method on a mobile device that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

32. For claim 13, Ben-Shachar/Lewis/Frederiksen/ON/Chou discloses the invention substantially as in claim 12. Ben-Shachar/Lewis/Frederiksen/ON/Chou further discloses the timing element is configured to continually check the predetermined time with an internal clock function and send a counting done signal to the message generator when the predetermined time is reached to initiate the sending of the message (Chou, abstract, when timer expires, task is activated, fig. 8 step 835).

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- Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar/Lewis/Frederiksen/ON, as applied to claim 4, further in view of Kawamoto et al. (US 7.194,558, hereafter Kawamoto)
- 34. For claim 5, Ben-Shachar/Lewis/Frederiksen/ON discloses the invention substantially as in claim 4. Ben-Shachar/Lewis/Frederiksen/ON does not disclose said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network

However, Kawamoto discloses said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network (fig. 1, col. 6 lines 1-8, a home gateway is connected between a public communication network including a telephone line, a cable television, and ISDN, the mobile device can be connected to a telephone line using a wireless phone, or a PDA wirelessly connected through the Internet using a Bluetooth connection, which is well known in the art).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar/Lewis/Frederiksen/ON and Kawamoto to implement a gateway having advanced functionality by adding functions of routing information providing processing to a gateway in a network configuration, such as an Ethernet, including a TV, phones, and PCs to reduce the cost of building separate transmission lines (Kawamoto, col. 1 line 64-col. 2 line 5).

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Conclusion

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HH

08/01/2008

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152